

MANDATE

S.D.N.Y.-N.Y.C.
15-cv-9149
Preska, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of March, two thousand eighteen.

Present:

Dennis Jacobs,
Richard C. Wesley,
Circuit Judges,
Richard K. Eaton,*
Judge.

**USDC SDNY
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DATE FILED: April 04, 2018

Desmond M. Witherspoon,

Plaintiff-Appellant,

v.

17-2919

International Olympic Committee, et al.,

Defendants-Appellees.

Appellant, pro se, moves for in forma pauperis status. He also moves to recall the mandate and reinstate the appeal even though the appeal has not been dismissed. However, this Court has determined sua sponte that the notice of appeal was untimely filed. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED for lack of jurisdiction. *See* 28 U.S.C. § 2107; *Bowles v. Russell*, 551 U.S. 205, 214 (2007). It is further ORDERED that Appellant's motions are DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

 

* Judge Richard K. Eaton, of the United States Court of International Trade, sitting by designation.

MANDATE ISSUED ON 04/04/2018